IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.160/2000

Laxman Ram Sharma **Versus** State & Ors.

DATE OF ORDER :: 20/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Gajendra Bhuvan for Mr. Anoop Dhand, for petitioner
Mr. Arun Sharma, P.P.

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Instant petition has been filed by complainant-petitioner against the order dated 1st September, 1994 whereby learned trial Judge accepted the Final Report by a reasoned order and the revision petition preferred was dismissed on 15th December, 1999.

The complainant-petitioner submitted a criminal complaint against accused-non-petitioners for offence u/ss.147, 149, 452, 323, 468 & 420 IPC before the Court of Judicial Magistrate, Neem-Ka-Thana in which it was alleged that accused Bhagwati Kanwar was having no issue and her husband has also expired. As such, she allowed petitioner to repair and possession was also handed over to him. Thereafter, he started making constructions and wanted to run educational institution for the welfare of the villagers - at the stage the accused Prabhu Dayal along with two other accused came with arms/lathis and forcefully entered into the house and dispossessed him and his goods & material lying there was thrown out. On his complaint, the matter was sent for investigation u/s.156(3)

Cr.P.C. and after investigation, the Investigating Officer submitted a negative Final Report and when the petitioner was called upon, he submitted protest petition and their statements were also recorded u/ss.200 & 202 Cr.P.C. The learned Magistrate after taking into consideration the complete material, accepted the Final Report and discharged the accused-non-petitioners vide order dated 1st September, 1994 and the Revisional Court also affirmed the view expressed by learned trial Judge under order dated 15th December, 1999.

I have heard counsel for parties and perused the order impugned.

No material has come on record even during investigation that possession was ever handed over to petitioner and no recovery was made and apart from it, petitioner failed to produce any document as alleged that accused-petitioner created forged document. Learned trial Judge after giving detail reasons, accepted FR and this court after going through the same does not find any error committed by him in passing order impugned.

This court does not find any substance in the misc. petition, the same stands dismissed. Record be sent back to trial court immediately.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.